



IFW

Practitioner's Docket No. U 014998-5

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

**OR**

In re application of: Andrei Dariievich **MIRZABEKOV**, et al.

Serial No.: 10/763,949

Group No.: 1645

Filed: January 23, 2004

Examiner:

For: **COMPOSITION FOR IMMOBILIZATION OF BIOLOGICAL MACROMOLECULES  
IN HYDROGELS, A METHOD FOR PREPARING A COMPOSITION, A BIOCHIP,  
AND A METHOD FOR PERFORMING THE PCR OVER BIOCHIP**

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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Date: July 12, 2004

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JANET I. CORD

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

**NOTE:** *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

## **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

If a fee is required, please charge deposit account 12-0425.



SIGNATURE OF PRACTITIONER

Reg. No.: 33,778

JANET I. CORD

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Andrei Darievich **MIRZABEKOV**, et al.

Serial No.: 10/763,949

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Examiner:

For: **COMPOSITION FOR IMMOBILIZATION OF BIOLOGICAL  
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Attorney Docket No.: U 014998-5

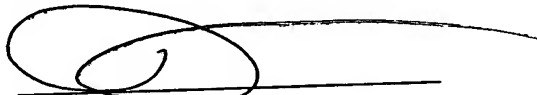
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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached references, some of which are considered in the specification, which are also listed on the attached Form PTO-1449.

**JANET I. CORD**  
**c/o LADAS & PARRY**  
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**NEW YORK, N.Y. 10023**  
**Reg. No. 33,778 (212) 708-1935**

Respectfully submitted,

  
Janet I. Cord

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
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**JANET I. CORD**

(type or print name of person certifying)

Date: July 12, 2004

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FORM PTO-1449

U. S. DEPARTMENT OF COMMERCE  
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ATTY. DOCKET NO.

SERIAL NO.

U 014998-5

10/763,949

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICANT

Andrei Darievich MIRZABEKOV et al.

FILING DATE

GROUP

01/23/2004

1645

(Use several sheets if necessary)

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA	5,552,270	09/1996	Khrapko et al.	
	AB	5,770,721	06/1998	Ershov et al.	
	AC				
	AD				

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AE					
	AF					

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AG	Rehman, Farah N. et al. "Immobilization of acrylamide-modified oligonucleotides by co-polymerization", <i>Nucleic Acids Research</i> (1999), 27(2): 649-655
	AH	Vasiliskov, A. V. et al. "Fabrication of Microarray of Gel-Immobilized Compounds on a Chip by Copolymerization", <i>BioTechniques</i> (1999), 27(3): 592-606
	AI	Guschin, Dmitry et al. "Manual Manufacturing of Oligonucleotide, DNA, and Protein Microchips", <i>Analytical Biochemistry</i> (1997), 250(2): 203-211
	AJ	Clark, V. M. et al. "Studies on Phosphorylation. Part XV. The Use of Phosphoramidic Esters in Acylation. A New Preparation of Adenosine-5' Pyrophosphate and Adenosine-5' Triphosphate", <i>J. Chem. Soc.</i> (1957), 1497-1501
	AK	Saito, Isao et al. "Photochemical Ring Opening of Thymidine and Thymine in the Presence of Primary Amines", <i>Tetrahedron Letters</i> (1981), 22(34): 3265-3268
	AL	Stuart, Alexander and H. G. Khorana. "Studies on Polynucleotides; XXXIII. The Labeling of End Groups in Polynucleotide Chains: The Selective Acetylation of Terminal Hydroxyl Groups in Deoxyribopolynucleotides", <i>The Journal of Biological Chemistry</i> (1964), 239(11): 3885-3892
	AM	Proudnikov, Dmitri et al. "Immobilization of DNA in Polyacrylamide Gel for the Manufacture of DNA and DNA-Oligonucleotide Microchips", <i>Analytical Biochemistry</i> (1998), 259: 34-41
	AN	Strizhkov, Boris N. et al. "PCR Amplification on a Microarray of Gel-Immobilized Oligonucleotides: Detection of Bacterial Toxin- and Drug-Resistant Genes and Their Mutations", <i>BioTechniques</i> (2000), 29: 844-857
	AO	Tillib, Sergei V. et al. "Integration of Multiple PCR Amplifications and DNA Mutation Analyses by Using Oligonucleotide Microchip", <i>Analytical Biochemistry</i> (2001), 292: 155-160

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.